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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200643
Party	Plaintiff Dille Family Trust
Correspondence Address	Daniel I. Herman KLOSS, STENGER & LOTEMPIO 69 DELAWARE AVENUE, SUITE 1002 BUFFALO, NY 14202 UNITED STATES daniel@geerandherman.com, vglotempio@klosslaw.com
Submission	Testimony For Plaintiff
Filer's Name	Vincent G. LoTempio
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Date	04/25/2014
Attachments	Ex. 19-1.pdf(5646512 bytes) Ex. 19-2.pdf(4041982 bytes)

AGREEMENT

Mineral

Agreement by and between HERMAN AND GEER COMMUNICATIONS, INC., dbia HERMES PRESS, and THE DILLE FAMILY FRUST, herefusiter referred to as "HERMES PRESS" and THE DILLE FAMILY FRUST, herefusiter referred to as "THE DILLE TRUST," WHEREAS, the parties are destrous of entwing into an agreement where The Dille Trust, is successors and sautyper in intenest, shall grant Hermes Press a non-exclusive Dille Trust, is successors and sautyper in intenest, shall grant Hermes Press a non-exclusive license to publish the entire English Language newspaper ship nur of Buck Rogers in the 25s Century, zumking from January 7, 1929 to 1987, in North Arserba, Europe, and the United Kingdom. This includes the daily "continuity" as well as the "Sunday" strip.

WHEREAS, Hermes Press shall republish the complete Buck Rogars dailles and Sunday Comic strips in a series of large format books. The Dille Trust will assist Hermes Press where possible in securing material for the reprints.

WHEREAS, Hermes Press shall dealign the eforesaid book and market it through its distributions and shall provide design and all other services to create and finalize the stonesaid book;

WHEREAS, The Dille Trust shall warrant and guaranties that they own the intellectual property for Buck Rogers in the 25s Century to the extent that such rights are not in the public domain; WHEREAS, this lightcoment acknowledges that The Dille Trust and its successors and assigns are the sole owners of Buck Rogers in the 25s Century and all related intellectual property;

WHEREAS, The term of this Agreement shall be the period of time commencing upon the alpting of this document by The Dille Trust, and shall continue for five (5) years:



AND NOW, WHEREFORE, in consideration of the mutual agreements and convenents set fouth hereinabove, the parties agreeing to be legally bound agree to the following:

- 5. The parties are desircus of entering into an agreement where The Dille Trust, its eucoescors and assigns in triamet, spell grant Hormes Press a non-acculative itseames to publish the entire newspaper strip run of Buck Rogers in the 25s Century, numbry from January 7, 1628 to 1950° in North America, Europe, and the United Kingdom. This includes the daily "continuity" as well as the "Sunday" strip;
 2. Harmes Press shall republish the complete Buck Rogers dailies and Sunday Comic strips in a series of large formet books. The Dille Trust shall assist and cooperate with Hermes Press where possible in securing and making available material for the reports;
- 3. Hermes Press shall provide design the aforesaid book and market it through its distributions and shall provide design and all other services to create and finalize the storesaid book; the design of the books, including cover an, and the marketing campaign created by Hermes Press will be subject to



Howard Chaykin

BUCKEROCERU



BUCK ROCERU

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Howard Chaykin.

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Neshannock, Pennsylvania 16105

Published by Hermes Press, an imprint of Herman and Geer Communications, Inc.

Www HermesPress com; info@hermespress.com
2100 Wilmingron Road
Daniel Herman, Publisher
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Special thanks to: Flint Dille, Lorraine Williams, and the Dille Family Trustee

First printing, 2013

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Howard Chaykin



The All-New Adventures of the World's Original Sci-Fi Hero



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Louise Geer, Vice President

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Alissa Fisher, Graphic Design

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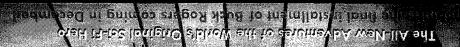
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Howard-Chaykin





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IN THE 25 TICENTURY =

The Western Publishing Years: Volume One

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Mel Crawford.

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This book would not be possible without the help, cooperation, patience, and kindness of many people. First and foremost in making this endeavor possible are all the folks at Dille Family Trust, including its stalwart and ever vigilant Trustee, the keeper of the fame so to speak, of this pop culture icon. Also a tip of the ole hat to Flint Dille and Lorreine Williams, who have always been helpful and available with advice and support, whose grandfather can rightfully be considered the creator of Buck and his universe.

The Western Publishing Years: Volume One

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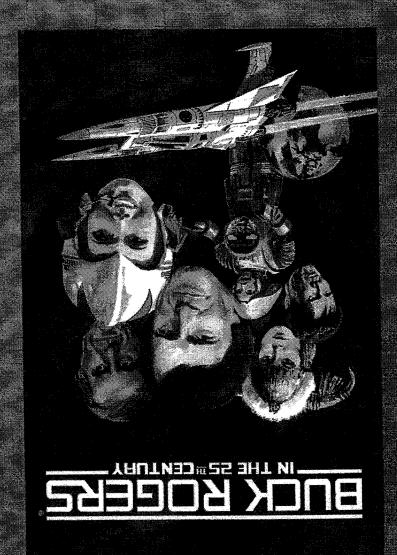




newspaper strips and comic books. Visit us at www.hermespress.com. sujata of the comics; cinema and lelevision design; and comprehensive editions of classic bobnist crititie. We publish definitive books on such wide ranging subjects as: the art and Hermes Press is one of a handful of publishers which exclusively produces art books about

deluxe hardcover collection.

Michael Teitelbaum - Fans of the snow will finally be able to re-read these adventures in a Bolle and Al McWilliams with stones by Western Publishing stalwart Paul S. Newman and classic adventures with Buck, Wilma, Dr. Huer, and Princess Ardala with artwork by Frank tury, starring Gil Gerard, Erin Gray, and Twiki return in a complete collection. Relive these The television fie-in comic books to the cult sol-fi classic Buck Rogers in the 25th Cen-





Ch CENTURY A.D.

Introduction

After its creation Buck Rogers captured the woolly adventures while doing so.

possibilities of the future and had quite a few wild and

Bradbury Buck helped introduce the country to the

created by Howard Chaykin, premiering in August. spotlight with a movie and TV show he-in. Now pop culture landscape. Its characters, Buck, Wilma, Dr. a newspaper and quickly became part of the American maginations of virtually everyone old enough to tead

his universe proudly return in a series of comic books, over eighty years after its creation Buck Rogers and 1970s Buck Rogers was again back in the pop culture toys, cereal premiums, books and movies. By the late household names. The strip also served as the basis for Huer, Black Barney, Killer Kane and Ardala became

MONTHOMOM strong FEATURE A New JOURNAL YACI A JUIRHTA LISTUUNI OUVAYUU INOUOV Secrets of Science Upon Their Foes Americans who Well lites? bearing philip Nowlon ol the Surviving gcżoniccjnjucza pk cuc ol America WOM Years Super Race solvennA beinforwevC Picture Story A Story of y patagon

superheroes to future astronauts and scientists to Ray justing everybody from the creature of comic book

speculation. And it was that "Buck Rogers stuff" that

of the atomic bomb, as the wildest kind of scientific

to anything that was considered, up until the advent

fiction here of the 20th Century. He gave his name

strip. Buck Rogers became the best-known science novelette and shortly thereafter showed up in a comic

about to start. He first appeared in a pulp magazine

of economic depression and increasing war jiffers was

ending and just before a grimmer decade

commenced in the late 1920s, just as the rip-roaring

shimbers lasted for five centuries. His media life

all fall asleep and wake up in tomorrow, but Buck's

Century and woke up in the 25th. Of course, we $oldsymbol{\Lambda}$ inthous, "Buck" Rogers went to sleep in the 20^n



"Satellite Ploneers" button. ment that can in depusery. 1929, promoting the introduction of Buck Rogers in the 25th Century. Insert: a Buck Rogers Above right, advertisement that ran in 1930 soliciting Buck Rogers in the 25th Century to newspapers. Left: advertise-

Howard Chaylin 15

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orght in-ischprigis of the Wolla's Original Sci-Hero

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introduction

Stula bas ybbuð ritiw galatom ysbauð

assorted evil-doers with the help of Wilma Deering, a feisty female soldier of

was the plucky young lady, Alura. Deering's young brother. Buddy's side-kick the adventures of Buddy Deering, Wilma Rogers Sundays didn't feature Buck but of the strip was offered, kind of. The buck March 30, 1930 a tabloid four-color version ready for a Sunday incarnation, and thus on dogs. By 1930 the Buck Rogers strip was The Great Wolves of Jupiter — big talking isn't a person but a pack of characters called other worlds as well. My personal favorite not only the post-apocalyptic earth but also characters, good and bad, that populated to 2429. Dille and his staff also created also changed from the short story's 2419 that Buck awoke in a strange new land was Jack London's Call of the Wild. The date name was an homage to the canine hero of using as inspiration the family dog, whose of our hero from Anthony Rogers to Buck, take shape. First Dille changed the name se the story-line of Buck Rogers began to Dille hired Nolan and what we now know of pulp stories no-one's ever heard of. forgotten character amongst the thousands Anthony Rogers would be just another the interest of syndicator John F. Dille, by Philip K. Nowlan. Had it not been for Stories in its August, 1928 issue, authored published in the pulp magazine Amazing gave birth to Buck came from a novella The initial spark for the concept which

25th Century newspaper Sundays presented environment in which the Buck Rogers in the This is the time-frame and newspapers. from the radio, movie theaters, and yes, from of their entertainment and current events a time when Americans got a large helping Sunday funnies, put in historical context, was reads the "paper" anymore. The era of the qay, 7-day-a-week non-stop media; nobody supplanted by the Internet and 24-hour-abecoming a thing of the past having been the newspaper. No more, Newspapers are norming to read the "funnies" section of girls would get up early on Sunday another reality in fact, when boys and There was a time, it seems more like

in this comic book were created.

Buck Rogers in the 25^{th} Century premiered on January 7, 1929 in a blackand-white daily strip — coincidently, the and-white daily strip — coincidently, the strip also premiered on the same day, the beginning there was no Sunday version of the strip, that had to wait a little over reading Hermes Press' reprints of the deily another year. As those of you who've been strip already know, the namesake and hero of the feature is Buck Rogers, a man from the 20^{th} century who is accidentally put into of the feature is Buck Rogers, a man from the 20^{th} century who is accidentally put into off the feature is Buck Rogers, a man from the 20^{th} century who is accidentally put into off the feature is Buck Rogers, a man from the 20^{th} century who is accidentally put into off the feature is but in a subjecting a subject of the feature only to wake up 20^{th} years in the future. Things are a little different when he future.

up affer his long smooze.

Buck quickly joins the good guys fighing Mongols, Tiger Men and other

through his fanciful flair. imagination and translated into tangible form create characters and worlds fueled by his was able to flex his artistic muscles and to with the Buck Rogers Sundays that Keaton the ghost artists for Dick Calkins. It was and as we have seen landed a job as one of City to study at the Academy of Fine Arts In his late teens he journeyed to the Windy "Buster," hailed from Corinth, Mississippi. Keaton, whose nickname was charming. it's whimsical, energetic, and imaginatively it apart from the daily version of the title; Keaton. Keaton's work on the feature sets found in this comic book was Russell for the eye-catching drawing on the Sundays

away in February, 1945. on Flyin Lenny until he unexpectedly passed feature. Keaton continued impressive work Earhartesque pilot as the namesake of the titled Flyin' Jenny, which starred an Amelia 1939 Keaton had a strip he could call his own allowed to sign his name to the feature. By and was recognized for his efforts by being shifted his energies to working on Skyroads would endure for thirty-five years. Keaton helped create a world of characters which the Sunday version of the strip Keaton had helming the title. During his four years on piz szziztant Rick Yager took over chores humor until September 24, 1933, when Keaton handled the strip with panache and indicative of the 1930s vision of the future. present an encyclopedia of classic props example of comic strip storytelling and pages of this comic book are a text book "Prophet of the Fire Demon" found on the for visual storytelling. The continuity titled plots, and artwork had meshed into an archetype strip had coalesced: the fantasy, pulp sci-fi By 1931 all the elements of the Sunday

Rick Yager, as with other Buck Rogers "ghost" alumni mentioned here, also attended the Chicago Academy of Fine Arts and later became an instructor there. He also studied with Carey Orr, a political cartoonist for The Chicago Tribune. By 1931 he had found work as an assistant on the Buck Rogers Sundays. His tenure on the strip lasted until June 29, 1958. Due to his lengthy

than others. Calkins' first assistants were produce Buck Rogers, some more talented he employed the use of "ghost" artists to Calkins was also an adroit businessman as the strip in a charming and naïve manner. devices, and the "look" of the future in he was able to convey the characters, action, Calkins was clearly not a master cartoonist signing his work "Lt. Dick Calkins." While United States Air Service hence his habit of tail end of World War One, as a pilot in the He served briefly, stateside, at the The Chicago Examiner and The Detroit Free no strite gaibuloui stibere diw teinoortse Institute, was an experienced newspaper who was, a graduate of the Chicago Art work of numerous, different hands. Calkins, that the artwork on the daily strips was the Even the uneducated eye can clearly discern the actual day-to-day work on the feature. Calkins was never completely involved with the first story-lines in the strip's continuity of Phil Nowlan and Dick Calkins. After The daily strips credit the creative team

scmslly developed, mainred, and aged. a truly memorable title with characters that comic books and movie serials and became ran for over forty years, was adapted into the rest is comic strip history. Smilin Jack changed the name of the title to Smilin' Jack, strip's syndicator, Joseph Medill Patterson, pilots. After three-and-a-half months the was a light-hearted adventure about student Syndicate titled On the Wing. The feature tor the Chicago Tribune-New York News swing his own comic strip, a Sunday feature shortly. By 1933 Mosley had managed to was Russell Keaton, but more about him both features, as well as Mosley's roommate and on Buck Rogers. The other assistant on on the aviation/adventure feature Skyroads strips was as one of the assistants for Calkins institute of Chicago. His first work in comic Chicago Academy of Fine Arts and the Art Mosley got his art education at the

Zack Mosley and Russell Keaton.

The Buck Rogers Sundays also credit Nowlan and Calkins and it is safe to say that Calkins had absolutely no involvement with the strip at all. The artist responsible

for great loves which seem silly or trivial to others?

my own time machine, located in the soft summer of 1929 before the world fell apart. Not only will my machine travel in time, but, most important, your body and mind and soul will become those of a nine-year-old boy, such creature as was first invented by God in search of first invented by God in search of thembling, in fevers; so full of life that if you were a volcano you'd come up in someone's cornfield and come up in someone's cornfield and bury the silo.

There you are, as afternoon slides toward warm dusk; eyes shut,

listening...
And thorse eyes snut, eyes snut,

And there's the sound, whistling through the sir, crashing along the shingles, sliding down the roof, falling to the porch.

roof, falling to the porch.

You fing the door
wide. You bend to touch that

wide. You bend to touch that incredible newspaper with a hot hand,

BUCK ROGERS has just

been born.

And you, a single wise small boy, are there alone to welcome him to a world he will help change forever.

So, let's journey back to the future and see what inspired a whole nation during the depths of the Great Depression, giving birth to an expression still in use today for things to come: "that Buck Rogers stuff." Read and enjoy!

nameH leinad -

tenure on the Buck Rogers Sundays he set the tone that defined the feature. In the second volume of Hermes Press' complete reprint of the Sundays the artwork presented is

and others: wrote how the original had inspired him whole new generation to the strip, Bradbury the 25th Century, a book that introduced a The Collected Works of Buck Rogers in of the Buck Rogers dailies and Sundays, 1969 mammoth reprint of various episodes with inspiring him to write sci-fi. frequently and unabashedly credited the strip amongst the latter was Ray Bradbury, who Best known and science-fiction writers. become pilots, engineers, scientists, artists, incited, excited, and influenced youngsters to look like. It is well known that Buck Rogers and what the post-Depression world might a starting point to fantasize about the future boys and girls reading Buck Rogers used it as was in the world they created. Many little The magic of the Buck Rogers Sundays

... Boys need to take courage wherever they can find it. Jules Verne wrote of insubstantial submarines. A twelve year old boy, reading Verne, declared, "I shall grow up and invent did just that. Admiral Byrd, at the Morth Pole, said: "Jules Verne leads acsthetic, adventurous scientific vertiloquism! The old Frenchman, long since dead, speaks out of the long since dead, speaks out of the soung American's mouth, even as lost strange beauties of voices as lost strange beauties of voices as lost strange beauties of voices

We live by example. We die, we stir up new fires. And the die, we stir up new fires. And the str forms, popular or elevated to rare ivory towers, are those new fires. My God, when are we going to relax and know and accept all this, and get on with our creativity without feeling guilty or having to alibi

speak from Edison's first miraculous

phonographs.



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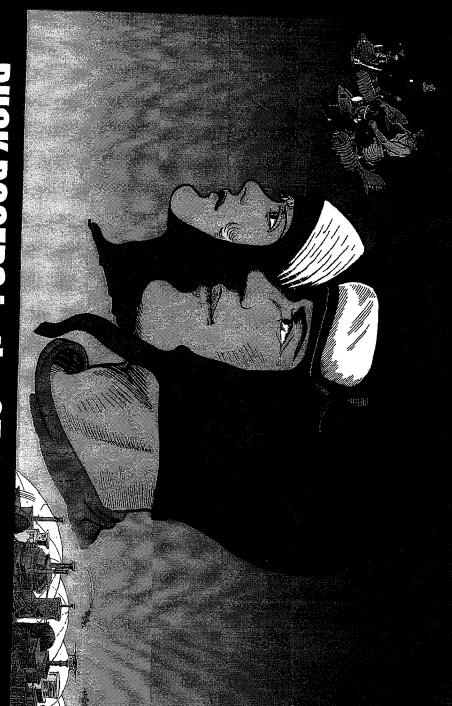




The Graphic novelization of Buck Roger's all new complete adventures arrives in July!

Howard Chaykin

BUCK ROGERY



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the complete newspaper nailies: Volume One 1929-1930

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From Dan, Louise, Sabrina, and D'zur for Gort and Maya

Acknowledgments

Works of Buck Rogers in the 25th Century over a quarter of a century ago. Funny thing is, after being exposed to everything in the sei-fi world since Buck Rogers has been my favorite newspaper strip since I first became acquainted with the title through the reprint volume entitled The Collected and to supply us with the strips necessary to complete this volume. anywhere near as complete or accurate. Finally, Curtis J. Hepworth was kind enough to share his insights on the strip with all of us at Hermes Press lists, research, and selflessly volunteered to help check and recheck various aspects of the strips, this volume, and the reprints to come, would not be entire strip would never have been possible. Additionally, without the help and assistance of Allen Lane, who provided Hermes Press with check possible are Flint Dille, Lorraine Williams, and The Dille Family Trust. Without their assistance and guidance this volume and the reprint of the This book would not be possible without the help, cooperation, patience, and kindness of many people. First and foremost in making this endeavor Publisher's Note

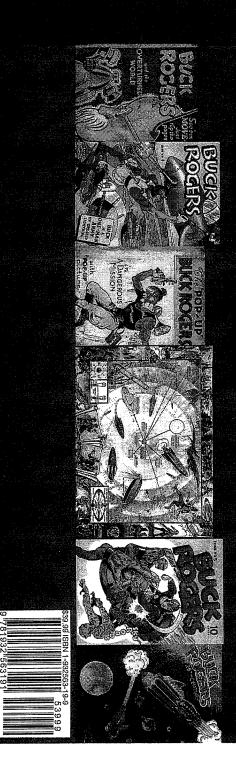
ready to see it all over again from the beginning! imaginative, clever, well paced strips ever to grace the pages of newspapers. So, put on your space helmets, pack your atomic disintegrators, and get that time, from the original Star Trek and its various incamations, to Star Wars, to everything in-between, Buck Rogers remains one of the most

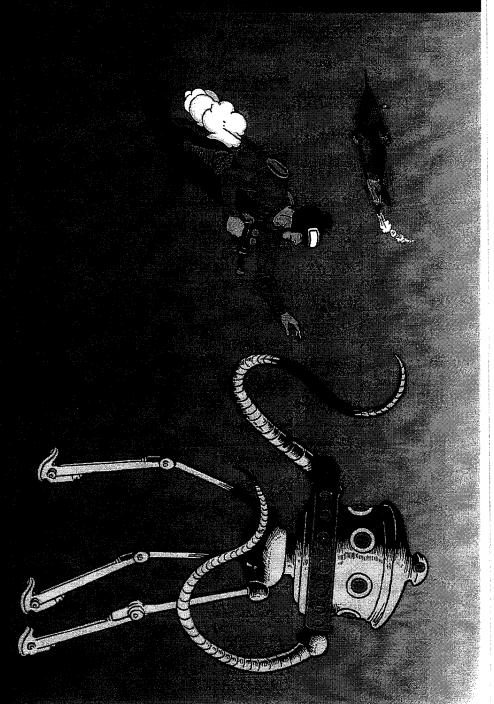
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Introduction Buck Royers, Ray Guns, and Science-Fiction Chapter? Meeting the Mongols Chapter? Capturing the Mongol Emperor Chapter? Pact of Perpetual Peace Chapter? Defeat of the Mongol Rebels Chapter 5 Chapter 5 Chapter 6 Chapter 7 Synthetic Golden People

the complete newspaper dailies: Volume One 1929-1930





the complete newspaper dailies: Volume Two 1930-1932

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lend a helping hand with the production of this and future volumes in this series. the strips, this volume, and the reprints to come, would not be anywhere near as complete or accurate. Finally, Curtis J. Hepworth has continued to tance of the Dille Family Trust, specifically Flint Dille and Lorraine Williams. Additionally, without the constant help of Buck Rogers' most loyal The second volume of Hermes Press' complete reprint of Buck Rogers in the 25th Century, as with Volume One, is possible only through the assisadmirer, Allen Lane, who provided Hermes Press with checklists, research, and sefflessly volunteered to help check and recheck various aspects of

Publisher's Note

and his adventures as they appeared in the funny papers from 1930-1932! fiction, something everyone takes for granted today. So prepare to rev up your way-back machines to go back in time — to the future — to visit Buck its entirety. In re-looking at these strips, created eight decades ago, it's clear how they provided a very important influence in popularizing science and buy a copy right away! Seriously though, we at Hermes Press are proud that on this 80th anniversary of the strip it is finally being reprinted in Huer, Killer Kane and Ardala, not to mention a generous helping of other characters. If you haven't seen the first volume, you had better run out If you're already familiar with Volume One of our series, the installment you now hold in your hands continues the adventures of Buck, Wilma, Dr.

Daniel Herman, Publisher

printed in China

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Chapter 2 Chapter 2

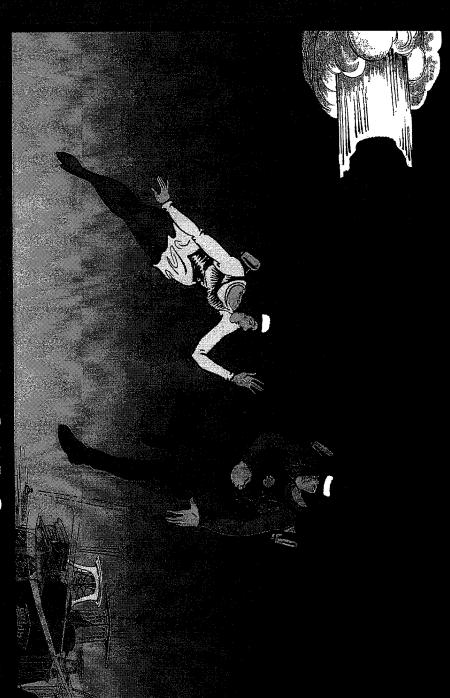
Introduction That Buck Royers Stuff Chapter 1 In the City Beneath the Sea

On the Moons of Saturn On the Planetoid Eros Mystery of the Atlantian Gold Ships

BUCK ROGERS in the 25th Cent the complete newspaper dailies: Volume Two 1930-1932







BUCK ROGERS in the 25th Center complete newspaper dailies: Volume Three 1932-1934

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Publisher's Note

date that it's clear they planted the seeds which have grown into many contemporary science-fiction yams now showing in theaters near you! Good adventure hero. Even though Buck is 80 years old this year, the concepts which pop up in the strips in the six "episodes" in this book are so up-to-In this, our third volume of the complete Buck Rogers in the 25th Century, we continue our comprehensive reprint of American's favorite sci-fil

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BUCK ROGERS in the 25th Century the complete newspaper dailies: Volume Three 1932-1934







OGERS in the 25th Cen

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the entire run of the strip?" With the publication of this, the fourth volume of the series, together with our release of Volume One of The Complete newspaper strip. When Hermes Press started our complete reprint of Buck Rogers the question most frequently asked was, "will you actually print Buck Rogers Sundays, the answer to that query is an obvious and unqualified, "yes, we will." The fourth volume of our comprehensive reprint of Buck Rogers in the 25th Century presents four more installments of America's favorite sci-fi

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Chapter 7 Doom Comet
Chapter 2 Rebuilding the World Chapter 4 Chapter 3 Rescue of Kiny Innaldo Planetoid Plot

Electrication A Rumination on Buck Rogers
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ne complete newspaper dailies: Volume Four 1934-1935







TUICK BOCES

in the 25th Century

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- Daniel Herman, Publisher

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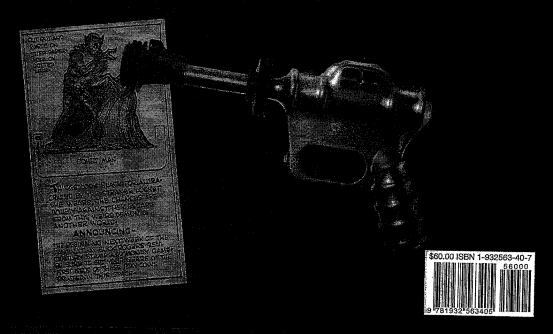
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e complete newspaper dailies: Volume Five 1935-1936

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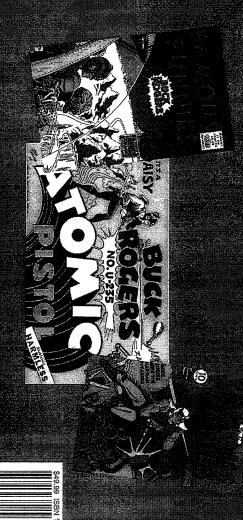
to mention Volume One of our complete reprint of the Sundays, you had better run out and buy copies right away! Seriously though, as this feature developed, as is evidenced in this volume, it created and featured ideas, concepts, and plot-lines which served as fodder for future soi-fi writers and Wilma, Dr. Huer, Killer Kane and Ardala, not to mention a generous helping of other characters. If you haven't seen the previous four volumes, not If you're already familiar with our series of complete reprints of Buck Rogers in the 25th Century, this installment continues the adventures of Buck,

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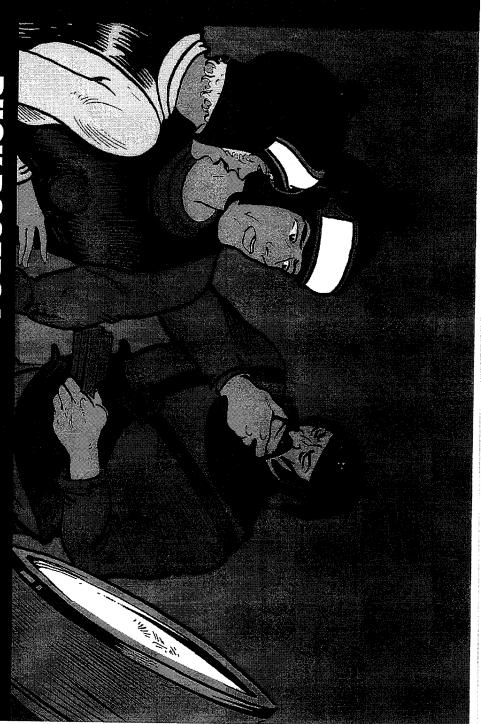
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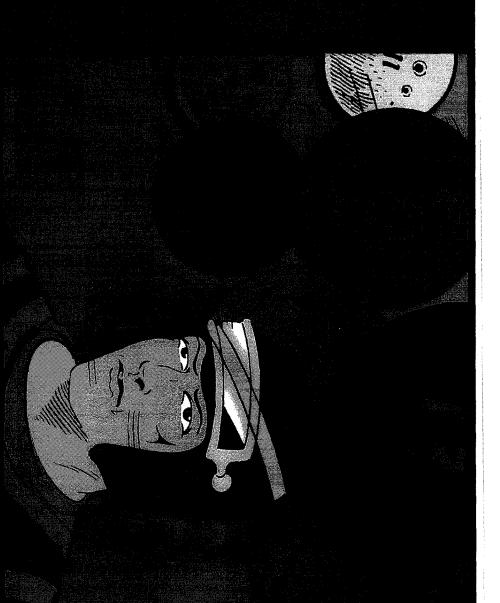
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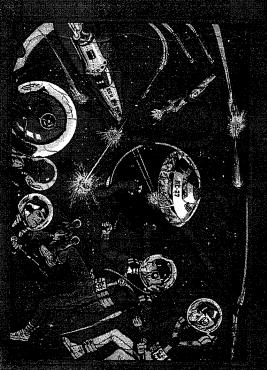
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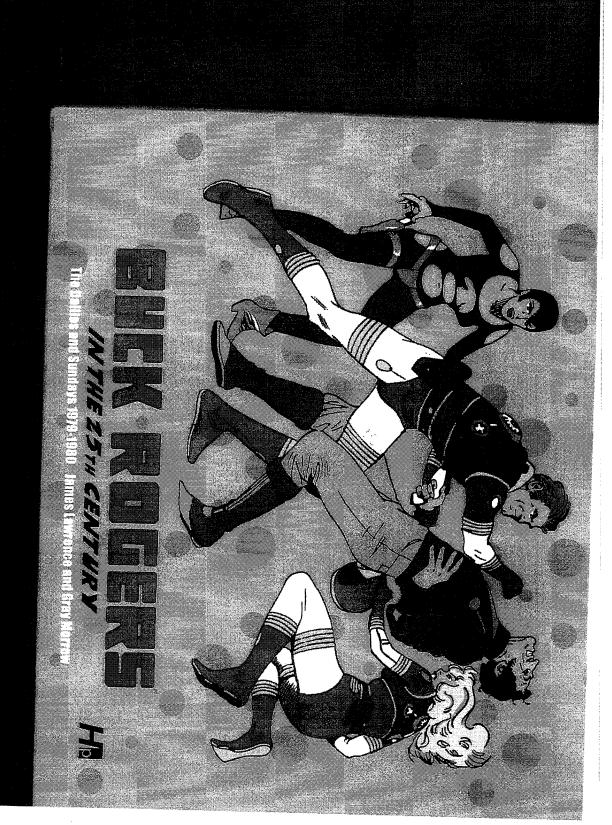
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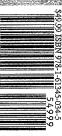
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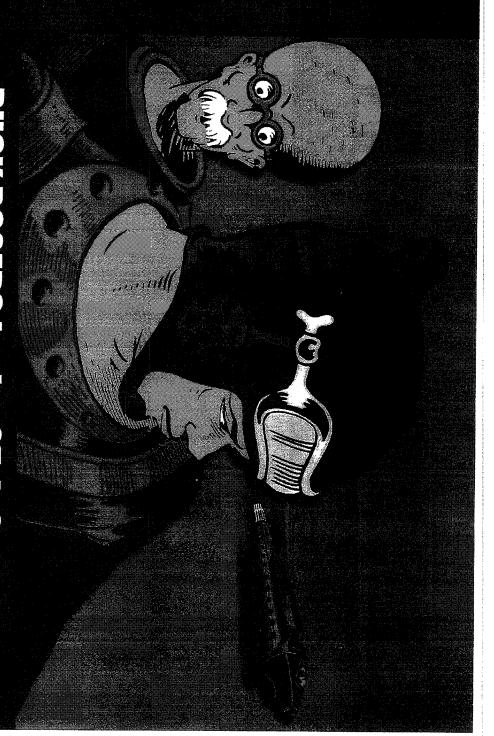
Introduction Gray Morrow and Buck Royers Chapter 1 Space Vampire Chapter 2 Mutant Zone Chapter 3 Vostrian Grisis Chapter 4 The Faceless Kid Chapter 5 Solar Peril Focus Original Artwork

With the success of the Buck Rogers TV show The New York Times Syndicate decided to revive the classic Buck Rogers newspaper feature and give it a contemporary sold by treatment. The strip, which was muclated to the television show, offered the artwork of Gray Morrow with scripts by James Lawrence. This collection offers five complete continuities of the strip—dailies and full color Sundays. This material has hever before been offered in its original version. This historic reprint also includes a detailed essay focusing on Gray Morrow's career with examples of his original artwork used for the strip.









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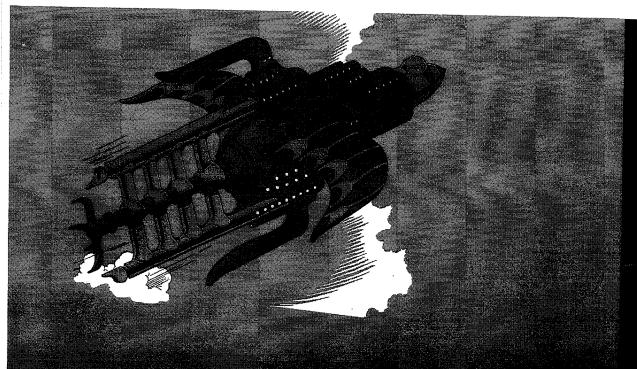
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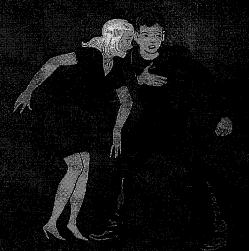
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BUCK ROCER

in the 25th Century

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- Daniel Herman, Publisher

Note on the dates of the strips in this volume: in some cases the strips in this book ran in different newspapers on different dates. The continuity is more accurately indicated by the number assigned to each strip. The first Sunday strip in this volume, published on December 17, 1933 is denoted as strip #195 (page 129). The last strip in this volume was generally published on April 25, 1937 and is denoted as strip #370 (page 187).

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